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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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GREGORY P. MOHR

Richland County Justice of the Peace / Sidney City Judge

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July 10, 2008

To: Montana Supreme Court

Re: Montana Code of Judicial Conduct

Honorable Justices,

I would like to thank you for leading the charge on the 2008 Proposed Montana Code of Judicial Conduct. I have read the proposed code and I have one comment in reference to Rule 3.10 (A). I am opposed to Rule 3.10 (A) in relation to a full time judge of a court of limited jurisdiction not being able to practice law on the side. Montana's courts of limited jurisdiction are as diverse as the geography and topography of our great state. I believe the voters choose the best judicial candidate for the position. If an attorney seeks that position and is elected then the people have spoken. I do not feel it is fair to limit that attorney judge's ability to earn extra income from their extra personal effort as long as they strictly adhere to Cannon 31 of the Cannons of Judicial Ethics. I have been a non-attorney judge for 22 ½ years and I have not heard of any attorney judge abusing Cannon 31. I have not heard a valid reason for invoking Rule 3.10 (A) so my question would be why fix something that is not broken. The simple fact is that in today's economy the salaries paid to the judges of courts of limited jurisdiction don't cut the mustard. I don't know of one limited court judge in the state of Montana that ran for the office for the money. Most did it out of a sense of duty and the ability to make a difference in their community. Until something is done to cure the disparity in salary most limited court judges, attorney and non-attorney alike will continue to have side jobs so that they will be able to serve their community and pay the bills. To limit an attorney judge of a court of limited jurisdiction's ability to practice law on the side is fundamentally unfair. I respectfully urge the Court not to adopt Rule 3.10 (A).

Respectfully



Gregory P. Mohr

Justice of The Peace / City Judge